

P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Todd A. Berg et al.

Examiner: R. Stright

Serial No.: 08/800,927

Group Art Unit 3734

Filed: February 13, 1997

Docket No.: 1001.1217101

For: GUIDE CATHETER HAVING SELECTED FLEXURAL MODULUS SEGMENTS

REVOCATION OF PRIOR POWERS OF ATTORNEY
AND POWER OF ATTORNEY

Dear Sir:

SciMed Life Systems, Inc., the owner of the entire right, title and interest in and to the above-identified patent/application, hereby revokes all previous powers of attorney and appoints the following attorneys and/or agents to prosecute the above-identified patent or application, including all continuations and divisionals thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith: David M. Crompton, Reg. No. 36,772; Glenn M. Seager, Reg. No. 36,926; Brian N. Tufte, Reg. No. 38,638; Luke Dohmen, Reg. No. 36,783; Peter J. Gafner, Reg. No. 36,517; Robert E. Atkinson, Reg. No. 36,433; and Todd P. Messal, Reg. No. P42,883.

Pursuant to 37 C.F.R. §3.73(b), SciMed Life Systems, Inc., a corporation certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment, recorded on May 19, 1997, at Reel 8515, Frame 0060.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee by virtue of the attached Limited Authorization to Act on Behalf of Assignee Regarding Certain Patent Matters.

Address all telephone calls to David M. Crompton at telephone number (612) 677-9050.

Address all correspondence to David M. Crompton, CROMPTON, SEAGER & TUFTE, LLC, 331 Second Avenue South, Suite 895, Minneapolis, Minnesota 55401-2246.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

SCIMED LIFE SYSTEMS, INC.

Date: 4/16/98

By: [Signature]

CERTIFICATE OF MAILING

I hereby certify that the correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the:

Assistant Commissioner for Patents
Washington, DC 20231

on this 23rd day of April, 1998
Crompton, Seager & Tufts, LLC

By: [Signature]

LIMITED AUTHORIZATION TO ACT ON BEHALF OF ASSIGNEE
REGARDING CERTAIN PATENT MATTERS
EFFECTIVE THROUGH: December 31, 1998

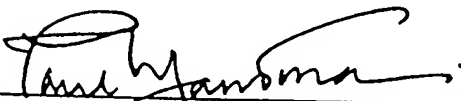
I, Paul W. Sandman, as Sr. Vice President, Secretary and General Counsel of Boston Scientific Corporation, Inc., the controlling corporation of:

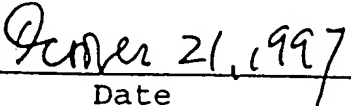
SCIMED Life Systems, Inc.; Boston Scientific Corporation Northwest Technology Center, Inc.; Symbiosis Corporation; Meadox Medicals, Inc.; E.P. Technologies, Inc.; Cardiovascular Imaging Systems, Inc.; BSC Technology, Inc.; Boston Scientific Technology, Inc.; SCIMED Technology, Inc.; Meadox Technology, Inc.; and Boston Scientific, Limited,

hereby authorize the following registered patent attorneys (1) to act on behalf of any of the corporations identified above with regard to matters pending before the United States Patent and Trademark Office and (2) to execute documents establishing power of attorney of foreign patent agent(s)/attorney(s) with regard to matters pending before a corresponding foreign patent office:

Robert E. Atkinson
David L. Cavanaugh
Patricia LaMarche-Davis
Luke R. Dohmen
Peter J. Gafner

Reg. No. 36,433
Reg. No. 36,476
Reg. No. 37,866
Reg. No. 36,783
Reg. No. 36,517


Paul W. Sandman
Sr. Vice President, Secretary and
General Counsel


Date

STATE OF Massachusetts)
) ss.
COUNTY OF Hiddlesex)

On this 21st day of October, 1997 before me personally appeared Paul W. Sandman to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she duly acknowledged to me that he/she executed the same for the uses and purposes therein set forth.


Notary Public

My commission expires 5/1/03

COMBINED DECLARATION/POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled GUIDE CATHETER HAVING SELECTED FLEXURAL MODULUS SEGMENTS

the specification of which (check one):

XX is attached hereto

— was filed on _____
as U.S. Application
Serial No. _____

— and was amended on (if
applicable) _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefit(s) under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<u>YES</u>	<u>NO</u>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<u>YES</u>	<u>NO</u>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<u>YES</u>	<u>NO</u>

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as

<u>08/703,635</u>	<u>08/27/96</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Send correspondence to:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon, I further declare that I understand the content of this declaration.

Full name of sole or first inventor Todd A. Berg
 Inventor's Signature _____ Date _____
 Residence 1517 Broken Oak Court, Lino Lakes, MN 55038
 _____ Citizenship US
 Post Office Address 1517 Broken Oak Court, Lino Lakes, MN 55038

Full name of second or joint inventor Jason A. Galdonik
Inventor's Signature _____ Date _____
Residence 7824 Vincent Avenue North, Brooklyn Park, MN 55444
Citizenship US
Post Office Address 7824 Vincent Avenue North, Brooklyn Park, MN
55444

1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

- (2) It refutes, or is inconsistent with, a position the applicant takes in:

- (i) Opposing an argument of unpatentability relied on by the Office, or
- (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.